

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES ROBINSON,

Plaintiff,

v.

Civil Case No. 14-11987
Honorable Linda V. Parker

STEPHEN ANDREWS, ET AL.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTIONS FOR
INJUNCTIVE RELIEF [ECF NOS. 9, 12]**

On May 19, 2014, Plaintiff initiated this civil rights action pursuant to 42 U.S.C. § 1983 against a number of defendants. Plaintiff is a Michigan Department of Corrections' inmate. He filed an amended complaint on July 2, 2014. Plaintiff complains of "procedural due process violations" in 2005 that resulted in his parole revocation and return to prison. Plaintiff has filed two motions in which he seeks to be transferred to federal protective custody and provided adequate medical care. (ECF Nos. 9, 12.) This matter has been referred for all pretrial matters to Magistrate Judge Michael Hluchaniuk.

On November 14, 2014, Magistrate Judge Hluchaniuk issued a Report and Recommendation ("R&R") in which he recommended that this Court deny Plaintiff's motions to the extent he sought to be transferred to federal protective custody. (ECF No. 69.) With respect to Plaintiff's request for adequate medical

care, Magistrate Hluchaniuk directed Defendants to file a response to Plaintiff's motions and indicated that he then would issue a separate report and recommendation addressing the issue. (*Id.* at 5.) On December 23, 2014, this Court issued an Opinion and Order adopting Magistrate Judge Hluchaniuk's R&R and denying in part Plaintiff's motions.

In the meantime, on December 2, 2014, Defendants filed their response to Plaintiff's motions to the extent he sought medical care. (ECF Nos. 75, 76.) On January 22, 2015, Magistrate Judge Hluchaniuk issued a R&R addressing this aspect of Plaintiff's motions. (ECF No. 94.) In the R&R, Magistrate Judge Hluchaniuk finds that the medical records submitted by Defendants reflect that Plaintiff has received continuous medical care while incarcerated. (*Id.* at 12.) The magistrate judge notes that Plaintiff acknowledges that he received treatment, but disagrees with the course of treatment prescribed. (*Id.*) This, the magistrate judge finds, is insufficient to make a substantial showing of deliberate indifference to his medical needs. (*Id.* at 12-13.) Because Plaintiff cannot demonstrate a strong likelihood of success on the merits of his claim-- the first factor required to demonstrate his entitlement to injunctive relief-- Magistrate Hluchaniuk recommends that the Court deny his motions. (*Id.* at 14.)

At the conclusion of the R&R, Magistrate Judge Hluchaniuk informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 16-17.) He further advises that the “[f]ailure to file specific objections constitutes

a waiver of any further right of appeal.” (*Id.* at 16, citations omitted). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk with respect to Plaintiff’s request for an injunction, mandating medical care. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED, that Plaintiff’s motions for injunctive relief [ECF Nos. 9, 12] are **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 11, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 11, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager